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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,132	01/30/2002	Julie T. Dawe	10012518-1	5684

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EXAMINER

ROSWELL, MICHAEL

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,132	Applicant(s) DAWE, JULIE T.	
	Examiner Michael Roswell	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20020130</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "'said predetermined second format'" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "a second data stream output" in lines 3 and 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5, 7-8, 11, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Martinez et al (US Patent 5,956,665), hereinafter Martinez.

Regarding claims 1, 7, and 13, Martinez teaches a method, system, and software program capable of receiving a first data stream having a first format (taught as the retrieval of information related to multiple components of a system by a monitoring unit, at col. 10, lines 4-19), encapsulating the data stream into a second format and aggregating the data by applying rules for organizing the information into a plurality of categories (taught as the mapping of received information into a data structure possible of obtaining a variety of forms, at col. 10, lines 20-31), and displaying a graphical representation of parameters relating to each category in response to changes in the information contained in the data stream (taught as the display and subsequent monitoring of component attributes in the system, at col. 10, lines 32-48).

Regarding claim 4, Martinez teaches performing the steps of receiving, encapsulating, aggregating, and displaying data in real time, taught as the monitoring of components and updating of data related to those components when changes take place, at col. 2, lines 47-50.

Regarding claims 5 and 11, it can be seen in Fig. 6 and at col. 10, lines 32-42 that Martinez teaches creating an artistic graphical representation for presenting information to a user.

Regarding claim 8, Martinez teaches the analog display of information, taught as the use of a meter reflecting the status of system components, in item 92 of Fig. 6.

Regarding claim 16, Martinez teaches a method, system, and software program capable of receiving a second data stream (taught as the retrieval of information related to multiple components of a system by a monitoring unit, at col. 10, lines 4-19), encapsulating the second data stream into a second format and aggregating the data by applying rules for organizing the information into a plurality of categories (taught as the mapping of received information into a data structure possible of obtaining a variety of forms, at col. 10, lines 20-31), and displaying a graphical representation of parameters relating to each category in response to changes in the information contained in the data stream (taught as the display and subsequent monitoring of component attributes in the system, at col. 10, lines 32-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 6, 9-10, 12, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez and Jancke et al (US Patent 5,764,913), hereinafter Jancke.

Regarding claims 2, 9, 14, and 17, Martinez has been shown to teach a method, system, and software program capable of receiving a first data stream having a first format (taught as

the retrieval of information related to multiple components of a system by a monitoring unit, at col. 10, lines 4-19), encapsulating the data stream into a second format and aggregating the data by applying rules for organizing the information into a plurality of categories (taught as the mapping of received information into a data structure possible of obtaining a variety of forms, at col. 10, lines 20-31), and displaying a graphical representation of parameters relating to each category in response to changes in the information contained in the data stream (taught as the display and subsequent monitoring of component attributes in the system, at col. 10, lines 32-48).

However, Martinez fails to explicitly teach encoding an aural representation of parameters relating to changes in information of the data stream.

Jancke teaches a status monitoring system for a computer network similar to the monitoring system of Martinez. Furthermore, Jancke teaches using an audio tone or wave file to notify a user of the operational state of a node in the network, at col. 3, lines 54-57.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Martinez and Jancke before him at the time the invention was made to modify the monitoring and notifying system of Martinez to include the aural notification of Jancke in order to obtain a system of monitoring streaming data wherein a user is notified of changes and status aurally.

One would be motivated to make such a combination for the obvious advantage of keeping a user aware of the status of data without having to view the data changes on a monitor.

Regarding claims 3, 6, 10, 12, 15, and 18, Jancke teaches defining a color palette where the colors are associated with human recognized process status conditions, taught as the use of

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a stop light metaphor incorporating the colors green, yellow, and red for various states of a node, at col. 3, lines 24-36.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
8/20/2004



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER